

2006-018496
Klamath County, Oregon



00003721200600184960130137

09/13/2006 03:47:25 PM

Fee: \$81.00

After recording, return to:

Kilmer, Voorhees & Laurick, P.C.
732 NW 19th Avenue
Portland, OR 97209
Attn: James P. Laurick

1st-782006

(Space Reserved for Recorder's Use)

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF OREGON, County of Multnomah) ss:

I, James P. Laurick, of Kilmer, Voorhees & Laurick, PC, being first duly sworn, depose, and say that:

At all times mentioned, I was and now am a resident of the state of Oregon, a competent person over the age of eighteen years, and not the beneficiary or the beneficiary's successor-in-interest named in the attached original Notice of Sale given under the terms of that certain deed described in the Notice of Sale.

I gave notice of the sale of the real property described in the attached Trustee's Notice of Sale by mailing copies thereof by both first class and certified mail (with return receipt requested) to each of the following named persons (or their legal representatives, where so indicated) at their respective last known addresses, to-wit:

<u>Name</u>	<u>Address</u>
Shirl Mitchell	3027 Crest Street Klamath Falls, OR 97603
John Boyd	3027 Crest Street Klamath Falls, OR 97603

These persons include (a) the grantor in the trust deed; (b) any successor-in-interest to the grantor whose interest appears of record or of whose interest the trustee or beneficiary has actual notice; (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed, if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest; and (d) any person requesting notice as set forth in ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale by James P. Laurick, of Kilmer, Voorhees, & Laurick, PC, attorney for the trustee named in the notice. Each such copy was mailed in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States Post Office at Portland, Oregon, on May 16, 2006.

With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt, with postage thereon in an amount sufficient to accomplish the same.

As used herein, the singular includes the plural, "trustee" includes a successor trustee, and "person" includes a corporation or any other legal or commercial entity.



Subscribed and sworn to before me on this 18th day of August, 2006

Heather Becker
Notary Public for Oregon
My commission expires: 6/16/2010

V:\G\greentree\mitchell\correspondence\AFFOFMAI.doc

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

Page 1 of 1

81-F

TRUSTEE'S NOTICE OF SALE

After Recording, Return To:
James P. Laurick
Kilmer, Voorhees & Laurick
732 NW 19th Avenue
Portland, OR 97209

Reference is made to that certain trust deed made by Shirl Mitchell and John Boyd as grantors, to Nancy L. Peterson as trustee, in favor of Green Tree Financial Servicing Corporation, as beneficiary, dated August 4, 1998, recorded on September 2, 1998, in the Records of Klamath County, Oregon, as Volume Number M98 at page 32337 covering the following described real property situated in that county and state, to wit:

Parcel 3 of Land Partition 14-97, being a portion of a tract of land situated in the NE1/4 of the NE1/4 of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

The real property has a physical address of 3027 Crest Street, Klamath Falls, Oregon

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantors' failure to pay when due the following sums:

See Exhibit "A"

By reason of the default just described, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

See Exhibit "A"

WHEREFORE, notice is hereby given that the undersigned trustee will on **September 29, 2006**, at the hour of 1:00 p.m., in accord with the standard of time established by ORS 187.110, at the front of the main entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, in the City of Klamath Falls, County of Klamath, and State of Oregon, sell at public auction to the highest bidder for cash the interest in the real property described above which the grantors had or had power to convey at the time of the execution by grantors of the trust deed together with any interest which the grantors or grantors' successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying those sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

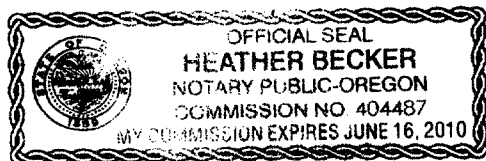
DATED: 5/15/06


James P. Laurick, Successor Trustee

State of Oregon, County of Multnomah)ss.

On this 15th day of May, 2006, before me, a Notary Public in and for said County and State, personally appeared James P. Laurick, personally known to me to be the person whose name subscribed to the within instrument and acknowledged that he executed the same.

SUBSCRIBED AND SWORN to before me this 15th day of May, 2006.




NOTARY PUBLIC FOR OREGON

My Commission Expires: 6-16-2010

State of Oregon, County of Multnomah)ss.

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

Attorney for Trustee

V:\G\GREENTREE\MITCHELL\CORRESPONDENCE\NOTICE OF SALE.DOC

EXHIBIT A

DEFAULT AMOUNT

Payment Date	Amount	Insurance
11/15/05	\$554.33	\$25.93
12/15/05	\$554.33	\$25.93
01/15/06	\$554.33	\$25.93
02/15/06	\$554.33	\$25.93
03/15/06	\$554.33	\$25.93
04/15/06	\$554.33	\$25.93
		\$
		\$
		\$
TOTAL	\$3,325.98	\$155.58

TOTAL DEFAULT: \$3,481.56

TOTAL DUE AND OWING

Principal	\$70,358.34
Interest	\$3,153.50
Late Charges	\$15.00
Total	\$73,526.84

Per diem of \$15.40

V:\G\greentree\mitchell\correspondence\exhibitA.doc

Affidavit of Publication

STATE OF OREGON, COUNTY OF KLAMATH

I, Jeanine P. Day, Business Manager, being first duly sworn, depose and say that I am the principal clerk of the publisher of the Herald and News a newspaper in general circulation, as defined by Chapter 193 ORS, printed and published at Klamath Falls in the aforesaid county and state; that I know from my personal knowledge that the

Legal # 8500

Notice of Sale/Shirl Mitchell & John Boyd

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for: (4)
Four

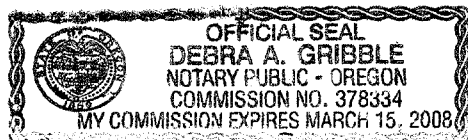
Insertion(s) in the following issues:
July 2, 9, 16, 23, 2006

Total Cost: \$868.48

Subscribed and sworn
before me on: July 23, 2006

Notary Public of Oregon

My commission expires March 15, 2008



TRUSTEE'S NOTICE OF SALE

After Recording,
Return To:
James P. Laurick
Kilmier, Voorhees &
Laurick
732 NW 19th Avenue
Portland, OR 97209

Reference is made to that certain trust deed made by Shirl Mitchell and John Boyd as grantors, to Nancy L. Peterson as trustee, in favor of Green Tree Financial Servicing Corporation, as beneficiary, dated August 4, 1998, recorded on September 2, 1998, in the Records of Klamath County, Oregon, as Volume Number M98 at page 32337 covering the following described real property situated in that county and state, to-wit:

Parcel 3 of Land Partition 14-97, being a portion of a tract of land situated in the NE1/4 of the NE1/4 of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

The real property has a physical address of 3027 Crest Street, Klamath Falls, Oregon

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantors' failure to pay when due the following sums:

See Exhibit AA@

EXHIBIT A DEFAULT AMOUNT

Payment Date
Amount
Insurance

11/15/05 \$554.33
\$25.93
12/15/05 \$554.33

\$25.93
01/15/06 \$554.33
\$25.93
02/15/06 \$554.33
\$25.93
03/15/06 \$554.33
\$25.93
04/15/06 \$554.33
\$25.93
TOTAL \$3,325.98
\$155.58

TOTAL DEFAULT:
\$3,481.56

By reason of the default just described, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

See Exhibit AA@

TOTAL DUE AND OWING

Principal \$70,358.34
Interest \$3,153.50
Late Charges \$15.00
Total \$73,526.84
Per diem of \$15.40

WHEREFORE, notice is hereby given that the undersigned trustee will on September 29, 2006, at the hour of 1:00 p.m., in accord with the standard of time established by ORS 187.110, at the front of the main entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, in the City of Klamath Falls, County of Klamath, and State of Oregon, sell at public auction to the highest bidder for cash the interest in the real property described above which the grantors had or had power to convey at the time of the execution by grantors of the trust deed together with any interest which the grantors or grantors' successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.753 has the right, at any

time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying those sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee and attorney fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, the word Agrantor@ includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words Atrustee@ and Abeneficiary@ include their respective successors in interest, if any.

DATED: July 2, 2006.

James P. Laurick,
Successor Trustee.

State of Oregon,
County of Multnomah)ss.

On this 2 day of July, 2006, before me, a Notary Public in and for said County and State, personally appeared James P. Laurick, personally known to me to be the person whose name subscribed to the within instrument and acknowledged that he executed the same.

State of Oregon,
County of Multnomah)ss.
#8500 July 2, 9, 16,
23, 2006.

PROOF OF SERVICE

STATE OF OREGON)
) ss.
 County of Klamath)

I hereby certify and swear that at all times herein mentioned I was and now am a competent person 18 years of age or older and a resident of the state wherein the service hereinafter set forth was made; that I am not the beneficiary or trustee named in the original Trustee's Notice of Sale, Notice of Default and Election to Sell attached hereto, not the successor of either, nor an officer, director, employee of or attorney for the beneficiary, trustee, or successor of either, corporate or otherwise.

I made service of the attached original Trustee's Notice of Sale, Notice of Default and Election to Sell upon the individuals and other legal entities to be served, named below, by delivering true copies of said Trustee's Notice of Sale, Notice of Default and Election to Sell, certified to be such by the attorney for the trustee or successor trustee, along with the Notice Under the Federal Fair Debt Collection Practices Act, upon the **OCCUPANTS** at the following address:

3027 CREST STREET, KLAMATH FALLS, OREGON 97603, as follows:

Personal service upon Jimmy Johnson, by delivering said true copy, personally and in person, at the above address on May 19, 2006 at 04 :47 P.m.

Personal service upon _____, by delivering said true copy, personally and in person, at the above address on _____, 2006 at _____:_____ .m.

Substitute service upon Aisha Plummer, by delivering said true copy, at his/her usual place of abode as indicated above, to Jimmy Johnson who is a person over the age of 14 years and a member of the household on May 19, 2006 at 04 :47 P.m.

Substitute service upon _____, by delivering said true copy, at his/her usual place of abode as indicated above, to _____ who is a person over the age of 14 years and a member of the household on _____, 2006 at _____:_____ .m.

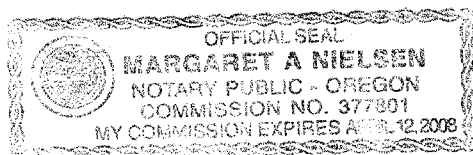
I declare under the penalty of perjury that the above statement is true and correct.

Thomas A. Bolenbaugh

Thomas A. Bolenbaugh

312674

SUBSCRIBED AND SWORN to before me this 23 day of May, 2006 by Thomas A. Bolenbaugh



Margaret A. Nielsen
 Notary Public for Oregon

CERTIFICATE OF MAILING

STATE OF OREGON)
) ss.
County of Multnomah)

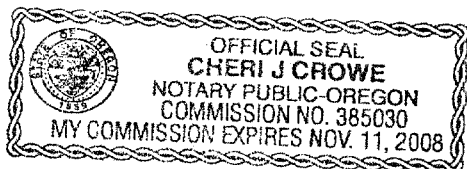
I, Renee L. Gourley, being first duly sworn, depose and say that I am employed by Nationwide Process Service, Inc. On May 22, 2006, I mailed a true copy of the Trustee's Notice of Sale, Notice of Default and Election to Sell, via First Class Mail, postage pre-paid, together with a statement of the date, time, and place at which substitute service was made, to Aisha Plummer.

The envelope was addressed as follows: Aisha Plummer
3027 Crest Street
Klamath Falls, Oregon 97603

I declare under the penalty of perjury that the above statements are true and correct.

Renee L. Gourley
Renee L. Gourley 312674

SUBSCRIBED AND SWORN TO BEFORE ME this 22nd day of May, 2006 by Renee L. Gourley.



Cheri J Crowe
Notary Public for Oregon

AFFIDAVIT OF MAILING

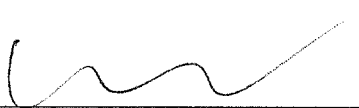
State of Oregon)
) ss.
County of Multnomah)

I, James P. Laurick, being first duly sworn, depose, say, and certify that:

On August 18, 2006, I mailed by Certified and First Class Mail a Notice of Intent to Vacate the Premises to:

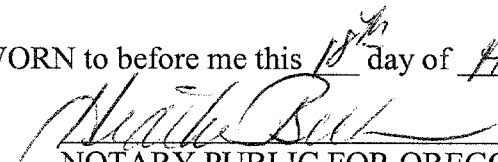
Jimmy Johnson
Aisha Plummer
3027 Crest Street
Klamath Falls, OR 97603

The notice set forth above was placed in a sealed envelope with first class postage thereon fully prepaid and deposited by me in the United States Post Office at Portland, Oregon, on August 18, 2006, addressed as aforesaid.

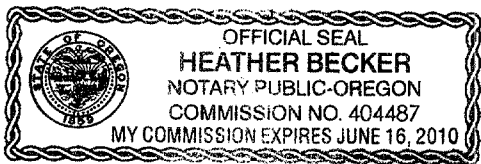


James P. Laurick

SUBSCRIBED AND SWORN to before me this 18th day of August, 2006.



NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-16-2010
V:\G\greentree\mitchell\correspondence\affofmailingvacate.doc



NOTICE OF SUBSTITUTED SERVICE

Re: Trust Deed From:
Shirl Mitchell and John Boyd, Grantors

TO: Nancy L. Peterson, Trustee

To: Shirl Mitchell
3027 Crest Street
Klamath Falls, OR 97603

John Boyd
3027 Crest Street
Klamath Falls, OR 97603

You are hereby notified that you have been served with a Trustee's Notice of Sale (attached is a true copy).

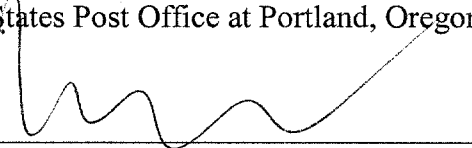
Service was made by delivering a true copy of said Notice of Sale at your dwelling house or usual place of abode, to wit: By serving Jimmy Johnson and Aisha Plummer on May 19, 2006, at 4:47 p.m. who is a person over the age of fourteen years and a member of your household.

STATE OF OREGON)
) ss.
County of Multnomah)

I, James P. Laurick, being first duly sworn, depose, say, and certify that:

I mailed an original Notice of Substituted Service, an exact and complete copy which appears above, together with a true copy of the Notice of Sale referred to therein and attached hereto, which Notice of Sale was certified to be an exact and complete copy of the original Notice of Sale by James P. Laurick, attorney for the Trustee named in said Notice of Sale, to the person and to the address first appearing above.

The Notice set forth above, and the true copy of the Notice of Sale were placed in a sealed envelope with first class postage thereon fully prepaid and deposited by me in the United States Post Office at Portland, Oregon, on August 18, 2006, addressed as aforesaid.


James P. Laurick



SUBSCRIBED AND SWORN to before me this 18th day of August, 2006.


NOTARY PUBLIC FOR OREGON

My Commission Expires: 6-16-2010

V:\G\greentree\mitchell\correspondence\noticeofsubservice.doc

TRUSTEE'S NOTICE OF SALE

After Recording, Return To:
James P. Laurick
Kilmer, Voorhees & Laurick
732 NW 19th Avenue
Portland, OR 97209

Reference is made to that certain trust deed made by Shirl Mitchell and John Boyd as grantors, to Nancy L. Peterson as trustee, in favor of Green Tree Financial Servicing Corporation, as beneficiary, dated August 4, 1998, recorded on September 2, 1998, in the Records of Klamath County, Oregon, as Volume Number M98 at page 32337 covering the following described real property situated in that county and state, to wit:

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See Exhibit "A"

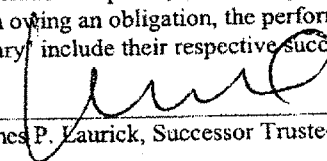
By reason of the default just described, the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, those sums being the following, to-wit:

See Exhibit "A"

WHEREFORE, notice is hereby given that the undersigned trustee will on **September 29, 2006**, at the hour of 1:00 p.m., in accord with the standard of time established by ORS 187.110, at the front of the main entrance of the Klamath County Courthouse, 316 Main Street, Klamath Falls, Oregon, in the City of Klamath Falls, County of Klamath, and State of Oregon, sell at public auction to the highest bidder for cash the interest in the real property described above which the grantors had or had power to convey at the time of the execution by grantors of the trust deed together with any interest which the grantors or grantors' successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of the sale, including a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying those sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee and attorney fees not exceeding the amounts provided by ORS 86.753.

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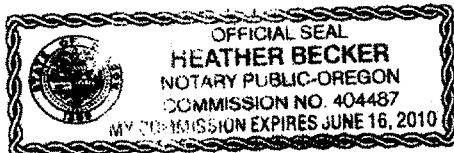
DATED: 5/15/06

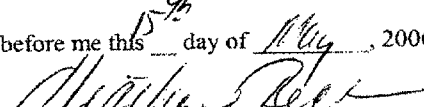

James P. Laurick, Successor Trustee

State of Oregon, County of Multnomah)ss.

On this 15th day of May, 2006, before me, a Notary Public in and for said County and State, personally appeared James P. Laurick, personally known to me to be the person whose name subscribed to the within instrument and acknowledged that he executed the same.

SUBSCRIBED AND SWORN to before me this 15th day of May, 2006.




NOTARY PUBLIC FOR OREGON

My Commission Expires: 6-16-2010

State of Oregon, County of Multnomah)ss.

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee and that the foregoing is a complete and exact copy of the original Trustee's Notice of Sale.

Attorney for Trustee

V:\G\GREENTREE\MITCHELL\CORRESPONDENCE\NOTICE OF SALE.DOC

EXHIBIT A**DEFAULT AMOUNT**

Payment Date	Amount	Insurance
11/15/05	\$554.33	\$25.93
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TOTAL DEFAULT: \$3,481.56

TOTAL DUE AND OWING

Principal	\$70,358.34
Interest	\$3,153.50
Late Charges	\$15.00
Total	\$73,526.84

Per diem of \$15.40

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NOTICE UNDER THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. 1692

- 1) The amount of the debt is stated in the Trustee's Notice of Sale attached hereto.
 - 2) The beneficiary as named in the attached Trustee's Notice of Sale is the original creditor to whom the debt was owed; if the debt has been assigned, the Trustee's Notice of Sale will name the current holder of the beneficial interest.
 - 3) The debt described in the Trustee's Notice of Sale attached hereto will be assumed to be valid by the Trustee unless the debtor, within thirty (30) days after the receipt of this notice, disputes the validity of the debt or some portion thereof.
 - 4) If the debtor notifies the Trustee in writing within thirty (30) days of the receipt of this notice that the debt or any portion thereof is disputed, the Trustee will provide a verification of the debt, and a copy of the verification will be mailed to the debtor by the Trustee.
 - 5) If the creditor named as beneficiary in the attached Trustee's Notice of Sale is not the original creditor, and if the debtor makes a written request to the Trustee within thirty (30) days from the receipt of this notice, the name and address of the original creditor will be mailed to the debtor by the trustee.
 - 6) Written request should be addressed to James P. Laurick, at Kilmer, Voorhees & Laurick, P.C., 732 NW 19th Avenue, Portland, Oregon 97209.
- V:\GHPB\nonjudicialforms\FDCPA.doc